IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.577 OF 1993

1. Sou. Mangala Vasant Chavan & ors. .. Petitioners

Vs

1. Shri Tukaram Atmaram Patil

and ors. .. Respondents.

Mr M.R.Katikar, for the petitioners.

Ms A.R.S.Baxi, for Respondent nos 1 to 3.

CORAM : D.B.BHOSALE,J.

DATE : 28.11.2005.

PC:

1. Heard the learned counsel for the parties.

2. This writ petition arises from the orders passed by the Courts below on the application (Exhibit-19) filed for temporary injunction pending the civil suit instituted by the petitioners-plaintiffs. Exhibit-19 application was disposed of by the trial Court vide order dated 29.7.1991, by which the respondents-defendants were restrained from causing obstruction to the bullockcart way, marked by letters "ABCD" in red colour in the sketch annexed to the plaint and to the Vahivat of the plaintiffs in respect thereof.

The appeal filed by the respondents-defendants bearing Misc.Civil Appeal No.199 of 1991 against the order dated 29.7.1999 was allowed. It is against that order the present writ petition has been filed by the petitioners-plaintiffs.

3. The ad-interim relief in terms of prayer clause (c) was granted on 11.2.1993, which came to be confirmed while issuing rule on the writ petition on 29.4.2003.

> Prayer clause (c) reads thus:
>
> "(c) That pending hearing and final disposal of this writ petition execution and operation of the order dated 3.12.1992 at Exhibit-C in Misc. Civil Appeal No.199 of 1991 be stayed."

The learned counsel appearing for the parties are not in a position to state as to whether the suit bearing Regular Civil Suit No.140 of 1991 is still pending. Keeping that in view and considering the interim order granted by this Court which is running in favour of the petitioner since 11.2.1993, I find no reason to disturb the interim order at this stage. I am satisfied that the following order shall meet the ends of justice.

(i) The trial Court shall decide the suit bearing Regular Civil Suit No.140 of 1991, if not disposed of so far, as expeditiously as possible and preferably within a period of six months from the date of receipt of this order.

(ii) The interim order passed by this Court on 11.2.1993, to remain operative till the disposal of the suit by the trial Court, if not disposed of already.

(iii) The trial Court shall decide the said suit on merits in accordance with law and uninfluenced by the orders passed in the instant proceedings.

(iv) The rule is, accordingly, disposed of.

. An authenticated copy of this order may be made available to the parties.

(D.B.Bhosale,J.)